

From the
INTERNATIONAL SEARCHING AUTHORITY

PATENT COOPERATION TREATY

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference P15359PC00		Date of mailing (day/month/year) 13 JUN 2005
FOR FURTHER ACTION See paragraph 2 below		
International application No. PCT/IB04/00108	International filing date (day/month/year) 19 January 2004 (19.01.2004)	Priority date (day/month/year) 21 January 2003 (21.01.2003)
International Patent Classification (IPC) or both national classification and IPC IPC(7): A63F 13/00 and US Cl.: 463/27		
Applicant WATERLEAF LIMITED		

1. This opinion contains indications relating to the following items:

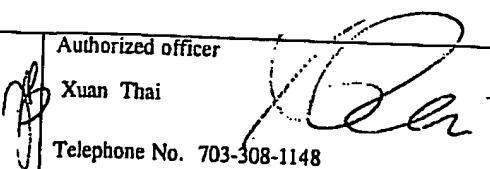
- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Xuan Thai Telephone No. 703-308-1148
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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-14

YES

Claims NONE

NO

Inventive step (IS)

Claims NONE

YES

Claims 1-14

NO

Industrial applicability (IA)

Claims 1-14

YES

Claims NONE

NO

2. Citations and explanations:

Please See Continuation Sheet

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claims 1-3 and 6 are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: these claims misspell "enroll" as "enroll" and "enrollment" as enrolment. An additional letter "l" needs to be added to these words.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-5 and 8-12 lack an inventive step under PCT Article 33(3) as being obvious over Jordan, U.S. Patent No. 6,416,409 B1 in view of Torango, U.S. Patent No. 6,435,968 B1. Jordan discloses a jackpot wagering system. A plurality of player terminals are each operable by a respective player to place a corresponding wager on each one of a plurality of different turns of a game of chance. An accumulation facility is responsive to placement of each wager to accumulate a portion thereof in an accumulation account. A random event generator is activatable by placement of each wager to generate a random event upon which an outcome of a turn of the game of chance is based. The outcome is one of a number of possible outcomes that includes a favorable outcome causing the player who placed that wager to win the contents of the accumulation account characterized in that the system includes an enrolling means operable to enroll a player during a determined time interval (See Jordan col. 2 lines 16-67; col. 3; col. 4 lines 1-20) [claims 1, 8]. At the time the invention was made it would have been an obvious matter of design choice to enroll each player in the lottery once for every 10 or 15 different turns of the game of chance on which the player has placed a wager [claims 2, 3, 9, 10]. Applicant has not disclosed that the number of turns prior to becoming eligible for the jackpot, provides an advantage or is used for a particular purpose. Having the player enrolled just after 1 turn as in Jordan allows the invention to operate just as well. Therefore, it is a matter of design choice for how many turns are required before a player is eligible for entry into the jackpot lottery. The Examiner further notes, that pre-qualifying conditions before being allowed entry into an event are well known throughout the art. The selection means selects the winner of the lottery at the expiration of the determined time interval (See Jordan col. 2 lines 16-67; col. 3; col. 4 lines 1-20) [claims 4, 11]. The determined time period has a predetermined start time and expires a finite time after the predetermined start time or when the balance of the accumulation account exceeds a predetermined threshold (See Jordan col. 2 lines 16-67; col. 3; col. 4 lines 1-20) [claims 5, 12]. Jordan lacks in disclosing canceling the lottery upon the occurrence of a favorable outcome or selecting a player if a favorable outcome does not occur.

Torango teaches of a progressive wagering system in which players are in a lottery. The lottery is cancelled if a favorable outcome occurs during the time interval. The system has a selection means activatable to select, if a favorable outcome of the game of chance does not occur during the determinable time interval, one of the enrolled players as a winner of the lottery as a function of a contingency determined by at least by chance. The winner of the lottery is awarded the contents of the accumulation jackpot [claims 1, 8] (See Torango col. 4 lines 35-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the lottery cancelled if the favorable outcome was previously determined and to award the outcome to an eligible player if the outcome never occurred. If someone wins the progressive jackpot it is obvious to cancel the lottery however if no one wins the progressive jackpot it is obvious to award it to another player so that someone wins it. This provides an incentive for people to play the progressive jackpot games and to be eligible for the jackpot.

Claims 6-7 & 13-14 lack an inventive step under PCT Article 33(3) as being obvious over Jordan in view of Torango as applied to above and further in view of Stoltz et al. Jordan and Torango also lack in disclosing that the player enrolled in the lottery is uniquely identifiable by means of a corresponding unique code generated by a random number. Stoltz teaches of a lottery system in which enrollment of a player in the lottery is uniquely identifiable by means of a corresponding unique code (See Stoltz paragraph 0005) [claims 6, 13]. The selection means is a random number generator arranged to generate a random number corresponding to the unique codes (See Stoltz paragraph 0005) [claims 7, 14]. It would have been obvious to one of ordinary skill in the art to use a

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

unique random number to identify players in the progressive jackpot games of Jordan and Torango. By using a number to identify the player, the player can be tracked in their gaming and information about the player can be stored in a computer so that if the player wins the jackpot they can be easily contacted to receive their reward. Random numbers are common ways to form unique codes to identify items.